

Mayor Joseph S. Kroll Council President James E. Woods
Vice President Jay G. Foy Council Member Jerry E. Beavers
Council Member Henry "Butch" Lynch Council Member Mark C. Uptegraph
Assistant Town Administrator / Town Clerk Janice C. Rutan
Town Attorney John Foster



TOWN COUNCIL REGULAR MEETING
Town Council Meeting
Town Hall Council Chambers
Thursday ~ April 10, 2008
7:00 p.m.
AGENDA

- I. CALL TO ORDER
- II. INVOCATION AND PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. PROCLAMATIONS AND PRESENTATIONS:
 - a. Laura R. H. Corry of the South Florida Water Management District re: 10 Year Water Supply Facilities Work Plan
- VI. APPROVAL OF THE CONSENT AGENDA
 - a. Approval of Minutes of the March 27, 2008 Regular Meeting
- VII. COMMENTS FROM THE PUBLIC
- VIII. COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT
- IX. SECOND READINGS AND PUBLIC HEARINGS
 - a. SPECIAL EXCEPTION AND SITE PLAN APPROVAL FILED WITH THE TOWN CLERK FOR THE PROPERTY LOCATED AT 1239 TRILAWAY LANE TO ALLOW FOR THE DEVELOPMENT OF A NEIGHBORHOOD PARK AS PART OF AND IN CONJUNCTION WITH DEVELOPMENT OF A NEW ELEMENTARY SCHOOL TO THE NORTH OF AND ADJACENT TO THE SUBJECT PROPERTY
 - b. SPECIAL EXCEPTION AND SITE PLAN APPROVAL FILED WITH THE TOWN CLERK BY ST. PETER COPTIC ORTHODOX CHURCH, INC., AS AGENT FOR HAVERHILL BAPTIST CHURCH, THE OWNER, FOR PROPERTY LOCATED ACROSS THE STREET FROM 671 NORTH HAVERHILL ROAD TO ALLOW FOR THE DEVELOPMENT OF A CHURCH.
- X. FIRST READINGS AND REGULAR AGENDA
 - a. Second Amendment to the AT&T Lease Agreement between the Town of Haverhill and AT&T
 - b. Interlocal Agreement between the Town of Haverhill and the Solid Waste Authority of Palm Beach County for the Delivery of Solid Waste to Designated Facilities and for a Municipal Recycling Program
 - c. Ratify Appointment of Frederick Ritter to the Zoning Board of Appeals
 - d. Personnel Policy Updates
 - e. Discussion of Drainfield Improvements in lieu of lift station at Town Hall.

- f. **Renewal of the Town of Haverhill's participation in the Palm Beach County Urban County Program to enable the Town and residents to access Community Development Block Grant and other programs.**

XI. REPORTS

- a. **Town Attorney**
- b. **Consultants**
- c. **Mayor' Report**
- d. **Assistant Town Administrator/Town Clerk**
- e. **Committee/Delegate Report**
- f. **Treasurer's Report**

XII UNFINISHED BUSINESS

XIII NEW BUSINESS

XIV ADJOURNMENT

Notice: If any person decides to appeal any decision of the Town Council at this meeting, he/she will need a record of the proceedings and for this purpose; he/she needs to ensure that a verbatim record of the proceedings is made. The record must include the testimony and evidence upon which the appeal is to be based, pursuant to F.S. 286.0105. The Town of Haverhill does not prepare nor provide such verbatim record.

In accordance with the provisions of the American with disabilities Act (ADA), this document can be made available in an alternate format (large print) upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting Janice C. Rutan, Assistant Town Administrator and Town Clerk, at the Haverhill Town Hall, 4585 Charlotte Street, Haverhill, Florida. Phone Number (561) 689-0370 Facsimile Number (561) 689-4317

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Thursday ~ April 10, 2008
7:00 p.m.
OFFICIAL MINUTES

Pursuant to the foregoing notice, the regular meeting of the Haverhill Town Council was held on Tuesday, April 10, 2008 at the Town Hall, 4585 Charlotte Street, Haverhill. Those present were Joseph S. Kroll, Mayor; Jay G. Foy, Council Vice President; Jerry Beavers, Council Member, Henry Lynch, Council Member; John Fenn Foster, Town Attorney; Jack Horniman, Town Planner; Joseph Roche, Code Enforcement/Director of Public Works and Janice C. Rutan, Town Clerk.

CALL TO ORDER

Council Vice President Foy called the meeting to order at 7:03 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Council Vice President Foy offered the invocation and led in the pledge of allegiance.

ROLL CALL

The Clerk called the roll. All members were present with the exception of Council President Woods and Council Member Uptegraph.

APPROVAL OF AGENDA

Council Vice President Foy revised the agenda by re-ordering the matters of business. The matter of the Special Exception for the St. Peter Coptic Orthodox Church would be heard before the Special Exception of the Palm Beach County School District. The Town Clerk requested the approval of minutes be tabled to the next regular meeting of the Council. The matter of the second amendment to the lease agreement between the Town of Haverhill and AT&T would need to be postponed as well. Noting the changes to the Agenda, Council President Woods ordered the agenda approved as amended.

PROCLAMATIONS AND PRESENTATIONS:

Fred Rapach of the South Florida Water Management District presented a power point presentation on the 10 Year Water Supply Facilities Work Plan.

Council Vice President Foy commented that the Town of Haverhill depends on Palm Beach County Water Utilities for its services.

Town Planner Jack Horniman had been working with Barbara Powell of Palm Beach County Water Utilities in an effort to move forward with the Town's E.A.R. based Comprehensive Plan Amendments. The 10 Year Water Supply Facilities Work Plan must be included in the amendment. The County has come up with projections that have been mutually accepted by the municipalities. In the Town

of Haverhill, approximately 94% of residents were connected to county system, the remainder use wells. The Town would adopt the County's projections and would include those projections in the Intergovernmental Element of the Comprehensive Plan.

The Town Council thanked Mr. Rapach for his report.

APPROVAL OF THE CONSENT AGENDA

~~Approval of Minutes of the March 27, 2008 Regular Meeting~~

Removed from the agenda per the request of the Town Clerk.

COMMENTS FROM THE PUBLIC:

There was no public comment other than those present to speak on agenda matters.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Campbell addressed the Town Council. He reported several calls for service in the Haverhill area relating to motor vehicle incidents but very few crime related calls.

SECOND READINGS AND PUBLIC HEARINGS

SPECIAL EXCEPTION AND SITE PLAN APPROVAL FILED WITH THE TOWN CLERK BY ST. PETER COPTIC ORTHODOX CHURCH, INC., AS AGENT FOR HAVERHILL BAPTIST CHURCH, THE OWNER, FOR PROPERTY LOCATED ACROSS THE STREET FROM 671 NORTH HAVERHILL ROAD TO ALLOW FOR THE DEVELOPMENT OF A CHURCH.

Town Attorney Foster delivered Staff's report. Attorney Foster outlined the requirements to be considered when granting a Special Exception. He explained that the standards in 58-127 would need to be met prior to granting a Special Exception. Staff did not believe there would be an appropriate buffer. There would also be vehicular and parking problems. Although the Church would not generate much peak hour traffic, the operation of the church across the street and the two churches located at the intersection of Haverhill and Belvedere Roads, all within close proximity to each other operating at the same time on Sundays would create a problem. It was noted that there was a very high concentration of these type facilities in the area. The presumption in the Comprehensive Plan was that the land would be developed as residential.

Based on Staff's findings, the application filed and the plans presented, it would be Staff's recommendation to deny the Special Exception application.

Town Planner Horniman added that the future land use map designated the property as medium density residential. Looking at the site plan as filed, and the

proposed use of the land, it was the Town Planner's opinion that a land use change would be required if the Special Exception were to be considered as the use would be contradictory to the Comprehensive Plan.

Murmid Hanna, present on behalf of the applicant, St. Peter Coptic Orthodox Church, addressed the Town Council and those present in the audience. Ms. Hanna gave a history on the parcel of land and the use of the property. In addition, she presented the proposed site plan and explained the future use of the property as a church. She highlighted changes made to the original site plan in response to concerns raised by the Town. She noted that all of the issues raised had been taken care of and revisions made.

Jim Bogear, Club Road East: Mr. Bogear addressed the Town Council. He noted that the majority of residents living along Club Road (east) were in favor of the Church. They would prefer that the property remain as a Church use and not be developed as a residential area. He asked that any development be required to provide a buffer to the residents along Club Road and those road improvements be considered as well.

Paul Hedrick, Real Estate Agent for the Haverhill Baptist Church addressed the Town Council. He explained that he had been trying to sell the property for the Church for the past couple of years. Of the 20 potential developers that looked at the property for residential or affordable housing, none were successful due to proposed uses that were problematic.

The Haverhill Baptist Church supported the use of the property as a Church and commended the applicants as an asset to the community. He asked the Town to reconsider its position. The Haverhill Baptist Church needs to sell the property.

Council Vice President Foy commented on the road issue explaining that Club Road east was a private road and as such maintenance and repair could not be borne by the Town.

Council Vice President Foy explained that the Town Council needed to consider allowing the Special Exception. Council Vice President Foy noted that he had quite a few questions specific to the site plan. He explained that the language from the Code referred to both the application and the site plan, and it is the decision of the Council to determine whether the submission was in its preliminary or final form and whether the proposed use, in this case a Church, was consistent with good zoning practices consistent with the policies of the Comprehensive Pan and would meet all of the standards for granting a Special Exception.

Council Member Lynch added that even though all of the concerns raised by the Council at Workshop had been addressed, the one item weighing on his mind was the density of churches in Haverhill. He reported that on average, Palm Beach County has .16 Churches per square mile. Haverhill has 6 Churches per square

mile, thirty-three times more Churches than any surrounding municipalities. Further, the land is designated medium density residential and to keep development balanced, it should be developed as residential. He added that the Town had reached its maximum density for storage units as well.

The Applicant once again addressed the Town Council. She expressed the Church's desire to move forward with their project on that piece of property. Ms. Hanna explained that all of the issues and concerns raised by the Town Council had been met, other uses for the property have fallen through and they are serious about their project.

A motion was then made by Council Member Lynch, seconded by Council Member Beavers and unanimously voted (3-0) to deny the SPECIAL EXCEPTION AND SITE PLAN APPROVAL FILED WITH THE TOWN CLERK BY ST. PETER COPTIC ORTHODOX CHURCH, INC., AS AGENT FOR HAVERHILL BAPTIST CHURCH, THE OWNER, FOR PROPERTY LOCATED ACROSS THE STREET FROM 671 NORTH HAVERHILL ROAD TO ALLOW FOR THE DEVELOPMENT OF A CHURCH.

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Attorney Foster presented Staff's report. Mr. Foster provided the Town Council the history of the project and the safeguards put into place to protect the residents of the Town as well as the immediately adjacent neighborhood. Although having a school developed along the Stacy Street corridor may prove to be a better neighbor to the Town, there were mixed reviews and the Town moved forward by informing the District that although they supported a school, the location of the project within the Town on a lot designated R-1 presented problems. As such, the Town through a legal standpoint negotiated an interlocal agreement with the School Board of Palm Beach County relative to the site.

Attorney Foster highlighted the protections put into place to provide the buffer and protection the adjacent properties would require.

- The development of the new school site including the 2 acre parcel shall be limited to the site plan as shown on Exhibit A attached to the Agreement as signed by all parties, or as modified with the Consent of the Town Council
- The School Board would be required to construct an 8 foot high concrete wall to be set back along the edge of the property that would allow the Town an easement area in order to maintain the landscaping (the School Board is responsible for maintaining the structural integrity of the wall)

- No permanent improvements or equipment may be placed on the School Board owned Town parcel. The Town parcel referred to the 2 acre parcel, except as otherwise shown on the site plan, AND, any temporary improvements such as goals, tables, benches, etc. shall not be permitted if they exceed six-feet in height.
- The school itself will not exceed thirty feet in height within fifty feet of the northern boundary line of the Town parcel
- Lighting on the new school would be confined to the new school building and would be directed away from residential areas to the east, west and south of the Town parcel. There would be no lighting on the Town parcel except for 2 lights on the circular driveway on top of light poles and they will be directional lights shooting down on the ground. The site plan does not show there to be any, and there would be no lights on the outdoor basketball courts.

Attorney Foster made it very clear to those present that all safeguards were incorporated in the Interlocal Agreement and that Agreement far exceeds what the School Board usually does as a general development plan. Had the matter been settled through litigation, there would have been a chance that the Town would have lost all of the protections gained through negotiation and the Interlocal Agreement. Additional safeguards included:

- Mechanical units such as air conditioners, pumps, chillers, generators and the like would incorporate available sound dampening materials and have partitions built around them to provide sound reduction and an 8 foot partition shall be built around the chiller and pumps.
- One of the most important aspects of the Agreement was that there would be no pedestrian or vehicular access including construction traffic to the school Board owned Town parcel or new school through the Town of Haverhill Corporate limits, including Trailaway, Palmetto, etc. Pedestrian and vehicular access to the new school shall be slowly through Stacy Street which was currently in unincorporated Palm Beach County.
- In the event the Town parcel was sold or otherwise conveyed to the school board or any other person, firm or entity, the Special Exception shall become void and that the zoning of that parcel shall revert back to residential use.
- Lastly, to the extent that the Town met the exemption criteria, the School Board would issue a school siting and co-location exemption letter, this being understood; the Town parcel would not be designated for school use but would continue to be designated as a Special Exception for a neighborhood park.

The Agreement entered into by and between the Town of Haverhill and the School District was a covenant running with the land that will be recorded to that everyone is placed on notice as to what the restrictions and covenants being made to the Town by the School District are.

None

NEW BUSINESS

The Mayor would be out of Town for the next meeting, April 24, 2008.

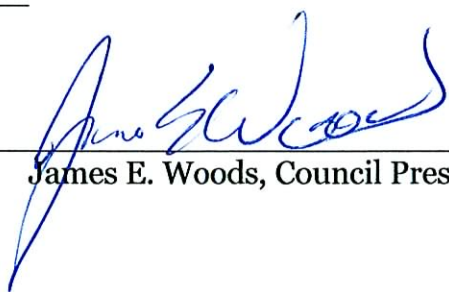
ADJOURNMENT

With no further business to come before the Town Council, the meeting adjourned at 9:38 p.m.

Approved:

June 12, 2008
Date


Janice C. Rutan, Town Clerk


James E. Woods, Council President